

REMARKS

Claims 1-3, 7-10, 14-18, 20-27, 32, 34, 35 and 37-50 are pending in the application, claim 33 having been cancelled without prejudice by the present amendment.

Claims 1-3, 7-10, 14-18, 20-27, 32-35 and 37-50 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The Examiner found that the term "extensive" in independent claims 1 and 42 is not defined by the claims nor by the specification. This issue has been addressed by canceling the term "extensive" from claims 1 and 42 and rephrasing the end of the claim to recite "without requiring further disassembly to be performed on the driven unit". The intent is to reinforce the preceding statement that "only the friction clutch has to be maneuvered off of the rotary input member", so that after getting the friction clutch off the rotary input member, there are no further disassembly steps required on the driven unit. No new matter is thereby introduced in the application. The examiner is respectfully requested to withdraw the rejection under 35 U.S.C. 112, second paragraph.

Claims 1-3, 7-10, 16-18, 20-22, 26, 27, 38-43, 46, 48,-50, stand further rejected under 35 U.S.C. 102(b) as being anticipated by Checa (U.S. Patent 5,205,387). In addition to the arguments presented in their previous paper (Amendment filed December 17, 2003), Applicants are addressing the foregoing rejection by currently proposing further amendments to independent claims 1 and 42, specifically adding the recitation "..., wherein said cylinder and piston unit is operable to disengage the friction clutch by exerting a pushing force on said clutch spring and thereby releasing said bias of

the pressure plate against the clutch disc". The phrase "exerting a pushing force" expresses the same concept as was previously stated in claim 33 (now cancelled) "..., wherein said clutch is a push-type clutch". The principle of a push-type clutch is described in the specification specifically in the context of the elected species Figure 3, see page 36, lines 4 to 17.

In contrast to claims 1 and 42 (as currently amended), Checa's disclosure relates specifically to a pull-type clutch. See for example col. 1, lines 8-9, "...actuating the clutch in a pull-off mode"; or lines 13-14, "... and to act in traction on the de-clutching means..."; or col. 3, line 62, "...exert a tractive force on the ends of the fingers of the diaphragm..."; or col. 4, lines 31-32, "...acts in traction on the diaphragm 23 of the clutch..." The fact that Checa's clutch is a pull-type clutch and the clutch of the present invention is a push-type clutch represents a fundamental difference between Checa ('387) and claims 1 and 42 of the present application. In Checa's pull-type clutch, a bearing 1a is connected to the diaphragm spring 23. If the clutch-release device is to be disassembled, one would start by removing the outer cover. Next, the cylinder with the bearing 1b can be pulled off towards the transmission. However, the piston still remains connected to the diaphragm spring 23 through the bearing 1a. Thus, it is impossible to remove the entire clutch release system in the clutch according to Checa ('387).

Herein lies the decisive advantage of the clutch recited in claims 1 and 42 of the present application. Because the clutch of the present application is a push-type clutch, the outer race 13b of the release bearing 13 pushes against the prongs 12a of the

diaphragm spring 12. Thus, the entire release device (cylinder and piston) can be removed simply by disconnecting the coupling means 70, where the latter can include for example a bayonet lock (see page 40, lines 20-21 of the specification).

Claim 33 (now cancelled, but substantially incorporated in the currently amended claims 1 and 42) stands rejected under 35 U.S.C. 103(a) as being unpatentable over Checa ('387), in view of Babcock (U.S. Patent 4,995,492).

In regard to claim 33 (now cancelled) reciting a push-type clutch, the Examiner found (on page 9, at the end of item 8 of the Office Action): "It also would have been obvious to one of ordinary skill in the art at the time of the invention to modify the clutch of Checa such that it is a push type clutch, in view of Babcock." However, based on a very careful review of Babcock et al. ('492), applicants respectfully submit that Babcock et al. ('492) provides no information other than a sketchy view of a diaphragm spring in Figures 1 and 2 with the explanation in col. 3, lines 60-61, "The clutch release bearing 12 is adapted to contact the clutch spring plate 26." Applicants respectfully submit that a combination of Checa ('387) and Babcock et al. ('492) would not produce any kind of workable solution. A skilled-in-the-art person would have recognized that Checa's clutch (as illustrated in Figure 1 and described, e.g., in column 3, lines 61-68) can only be released from engagement by applying a tractive force to the end of the fingers of the diaphragm. If the push-actuator of Babcock et al. were installed in the Checa clutch, the Babcock clutch release bearing 12 pushing against the diaphragm fingers as shown in Babcock's Figure 2 would urge the already engaged Checa clutch into an even stronger engagement when the driver steps

onto Babcock's clutch pedal 16 (Fig. 1). Applicants respectfully submit that a skilled-in-the-art person would not even have considered the non-workable combination of Checa ('387) and Babcock et al. ('492) and therefore the feature recited in claim 33 (now canceled, but substantially incorporated in currently amended claims 1 and 42), i.e., that the clutch is a push-type clutch, cannot be rendered obvious in the sense of 35 U.S.C. 103(a) by Checa ('387) and/or Babcock et al. ('492) considered individually or in any combination.

Based on the foregoing amendment and arguments, applicants respectfully submit that:

- the rejection of independent claims 1 and 42 under 35 U.S.C. 102(b) as being anticipated by Checa (U.S. 5,205,387) should be withdrawn because Checa lacks at least the feature that "said cylinder and piston unit is operable to disengage the friction clutch by exerting a pushing force" which is recited in claims 1 and 42 (as currently amended);
- a potential new rejection of independent claims 1 and 42 as being unpatentable over Checa ('387) in view of Babcock et al. ('492) has been preempted by the foregoing argument showing the combination of Checa and Babcock et al. to be non-workable.

Consequently, as independent claims 1 and 42 are not subject to any further rejections, applicants respectfully submit that claims 1 and 42 (as currently amended) should be allowed.

Claims 2-3, 7-10, 14-18, 20-27, 32, 34, 35, and 37-41 should be allowed as depending from what should be an allowed independent claim 1.

Claims 43-50 should be allowed as depending from what should be an allowed independent claim 42.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: June 3, 2004

Respectfully submitted,

By _____
Edward J. Ellis
Registration No.: 40,389
Patent Agent for Applicants

DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 753-6237 (Fax)